

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

TROY ANTHONY SHERRELL,

Petitioner,

v.

Criminal No. 4:04cr115-03

UNITED STATES OF AMERICA,

Respondent.

ORDER

Before the Court is a Motion to Reopen the Time to Appeal filed by Petitioner Troy Anthony Sherrell. ECF No. 194. The Government is **DIRECTED** to file a Response in accordance with the following instructions.

The Court denied Mr. Sherrell's Motion to Vacate on October 9, 2019, and the Judgment was entered the following day. In that Order, the Court directed the Clerk to forward a copy to counsel for Mr. Sherrell and to the Government. ECF No. 192 at 3.

Under Federal Rule of Appellate Procedure 4(a)(1)(B), a party in a civil case may file a Notice of Appeal within sixty days of entry of judgment if one of the parties is the United States. Accordingly, the deadline to appeal this Court's Order denying Mr. Sherrell's Motion to Vacate was December 8, 2019. Mr. Sherrell contends that he "did not receive notice of the entrance of judgment until January 29, 2020." ECF No. 194 at 2.

The United States Attorney is **DIRECTED** to file a Response to Petitioner's Motion to Reopen the Time to Appeal no later than June 30, 2020. The Government's Response shall include an affidavit from counsel addressing whether Mr. Sherrell was informed of the dismissal of his

Motion to Vacate. Petitioner may file a Reply to the Government's Response within thirty days of receipt of the Response.

The Clerk is **REQUESTED** to forward a copy of this Order to Mr. Sherrell, counsel for Mr. Sherrell, and to the Assistant United States Attorney.

IT IS SO ORDERED.

/s/

Arenda L. Wright Allen
United States District Judge

April 13, 2020
Norfolk, Virginia